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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,084	01/04/2002	David Betz	GENSP030	2418

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EXAMINER	
ZHAO, DAQUAN	
ART UNIT	**PAPER NUMBER**
2621	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/041,084	BETZ ET AL.	
	Examiner	Art Unit	
	Daquan Zhao	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,6 and 8-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,6, 8-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *04 January 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim status

Claims 1, 11 -15 have been amended. Claims 2, 3, 5, 7, 16-23 are cancelled. Claims 6, 8, and 9 are original.

Claim Objections

Claim 1 is objected to because of the following informalities: "... are different that the original ordering..." is believed to be "...are different than the original ordering...". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 15 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 15 is directed to a "computer program product", which is computer software per se. Considering the claim as "functional descriptive material" imparts with functionality, but not being employed as a computer component (or other physical structures), is considered not statutory. "In contrast, a claimed computer-readable medium encoded with a computer program... is thus statutory." (See *"Interim Guideline for Examination of Patent Application for Patent Subject Matter Eligibility", ANNEX IV, Page 53, First Paragraph;).*

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4, 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al (US 5,237,648) and Fu et al (US 6,882,793).

For claim 1, Mills et al teach a method for compiling and displaying video segments from a video source into a video montage, the method comprising:

- retrieving a plurality of video segments from the video source (e.g. figure 2,clip list window 22, column 4, lines 29-46, user drags segments of video from window 20 to the clip list window 22);
- Ordering a first portion of the plurality of video segments to define a first video montage by user (e.g. column 4, line 47- column 5, line 2, user defines the begin frame, the end frame and a sequence of frame in between begin and end frame and places these frames in windows 40, 42 and 44 in the order of rows. "a first portion of the plurality of video segments" e.g. -> first row of video clip in the clip list window 22).
- Ordering a second portion of the plurality of video segments to define a second video montage by the user (e.g. the second row of video clip in the clip list window 22), wherein the ordering of the first and second portions

of the plurality of video segments of first video montage and the second video montage, respectively, are different than the original ordering of the video segments from the video source (e.g. column 5, line 62- column 6, line 2, the order of the first and second rows of video clips are different from the order in the video source since the user can define the order of the row);

- Displaying the first and the second video montage simultaneously on the display unit (e.g. column 5, lines 3-16, to indicate that the clip frame sequence includes more than a single Small Digital Frame and to allow the user to view multiple clip frame sequences in their entirety, each clip frame sequence having more than one SDF is animated. The fist row and the second row of video clips are displayed simultaneously because window 38 displays at least one frame of each clip simultaneously).

However, Mills et al fail to teach the video source can be a DVD. Fu et al teach the video source can be a DVD (e.g. column 5, lines 17-39). It would have been obvious for one ordinary in the art to incorporate the DVD into the editing system, disclosed by Mills et al to provide a media editor operable to generate one or more edit lists. Each edit list can define a set of operations to be performed on the video data by another computer so as to allow editing operations defined on one computer to be performed on the video data to be replicated on another computer (Fu et al, column 2, lines 32-43). Both Mills et al and Fu et al are in the same field of endeavor (video editing).

Claim 15 is rejected for the same reasons as discussed in claim 1 above.

For claim 4, Mills et al teach the marker further comprises end point (e.g. figure 2, end frame 42).

For claim 8, Mills et al teach the ordering the video segments includes providing the video segments in an order different from how they appear on the digital video (e.g. figures 3a-3c, column 5, line 62- column 6, line 2).

Claims 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al (US 5,237,648) and Fu et al (US 6,882,793), as applied to claims 1, 4, 8 and 15 above, and further in view of Tokashiki (US 6,600,868 B2).

Please see the teaching of Mills et al and Fu et al above.

For claim 11, Mills et al teach the method as recited in claim 1 wherein the composer comprises:

- A graphical representation of a run time of the video montage, wherein the run time represents a length of the video montage (e.g. figure 2, slider 37);
- A clip chart listing the one or more video segments, wherein the clip chart shows the one or more video segments in replay order (e.g. figure 2, clip edit 22 contains a number of rows of edit window 22, column 4, line, column 5, line 2. replay order: the user controls the playback of video playback direction, column 2, lines 1-23);

However, Mills et al and Fu et al fail to teach a user interface for entering information about the video Montage, and a video clip setting area, wherein the video

clip setting area has a user interface for entering at least the start time of each of the one or more video segments. Tokashiki teaches a user interface for entering information about the video Montage (e.g. figure 13, title input area 91, column 11, lines 19-33), and a video clip setting area, wherein the video clip setting area has a user interface for entering at least the start time of each of the one or more video segments (e.g. figure 13, start time input area 94, column 11, lines 19-33). It would have been obvious to one ordinary skill in the art at the time the invention was made to have utilized the user interface disclosed by Tokashiki in the system disclosed by Mill et al and Fu et al to make the mapping between the contents title and the contents ID in a correspondence table and starting the recording of contents at a time reserved (e.g. column 11, line 19-33). Both the system disclosed by Millet al and Fu et al and Tokashiki are in the same field of endeavor (User Interface).

For claim 12, Fu et al teach video clip setting area comprises a name and description of each of the one or more video segments (e.g. column 13, lines 51-67).

For claim 13, Mills et al teach the video clip setting area comprises a still shot of an image associated with each of the one or more video segments (e.g. figure 2, begin frame 40).

For claim 14, Mills et al teach the video clip setting area further comprising a user interface for selecting a video title from a video source, the video title comprising the one or more video segments (e.g. video window 36). However, Mills et al fail to teach the video source can be a DVD. Fu et al teach the video source can be a DVD (please see the teaching of mills and Fu et al above).

Claims 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al (US 5,237,648) and Fu et al (US 6,882,793), as applied to claims 1, 4, 8 and 15 above, and and further in view of Bohrman (US 5,109,482).

See the teaching of Mills et al and Fu et al above.

For claim 6, Fu teach the DVD as a video source (See the teaching of Mills et al and Fu et al above). However, Mills et al and Fu et al fail to teach the video source and the storage medium is separated. Bohrman teaches the video source and the storage medium is separated (e.g. figure 1, and column4, lines 46-65, videodisc 14 and column 11, lines 7-12, disc associated with computer 10). It would have been obvious for one ordinary skill in the art at the time the invention was made to modify the system disclosed by Bohrman and combine that with the system disclosed by Mills and Fu et al to enable a user to simply and efficiently select and playback user specified segments of the information (Bohrman, column 2, lines 14-26). Both the system disclosed by Millet al and Fu et al and Bohrman are in the same field of endeavor (video editing).

For claim.9, Bohrman teaches the digital video comprises a plurality of title (e.g. figure 7, titles: "ABC News Interactive" and "Larnaca")

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills et al (US 5,237,648) and Fu et al (US 6,882,793), as applied to claims 1, 4, 8, 9 and 15 above, and further in view of Bohrman (US 5,109,482) and further in view of Okada et al (US 5,905,845).

Please see the teaching of Mills et al, Fu et al and Bohrman above.

For claim 10, Mills et al and Fu et al fail to teach the plurality of titles are selected from a group consisting a main title, a director's cut, a deleted scene, and an alternate view. Bohrman teaches the plurality of titles (e.g. figure 7, titles: "ABC News Interactive" and "Larnaca"). However, Bohrman fails to discloses the plurality of titles are selected from a group consisting a main title, a director's cut, a deleted scene, and an alternate view. Okada et al teaches the plurality of titles are selected from a group consisting a main title, a director's cut, a deleted scene, and an alternate view (e.g. column 57, lines 21-27). It would have been obvious for one ordinary skill in the art at the time the invention was made to modify the teaching of Bohrman with the teaching of Okada et al, and combine that with the teaching of Mills et al and Fu et al to record plural different titles to a single optical disk without reducing the bit rate, and thereby without loss of image quality (Okada et al, column 57, lines 28-38).

Conclusion

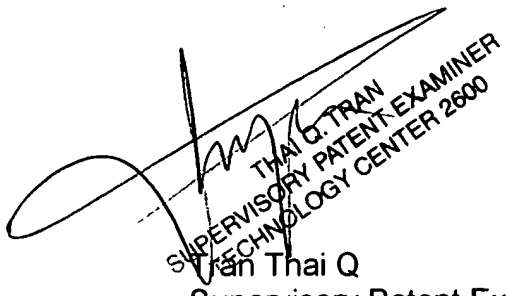
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watkins (US 6,728,477 B1).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daquan Zhao



Tran Thai Q
Supervisory Patent Examiner